IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

WP(C).No. 20629 of 2006(E)

PETITIONER:

THE ADMINISTRATOR,
JOSEGIRI HOSPITAL, THALASSERY, KANNUR DIST.

BY ADV. SRI.S.VIJAYAN NAIR

RESPONDENT:

THE MUNICIPAL SECRETARY,
THALASSERY MUNICIPALITY, MUNICIPAL OFFICE,
THALASSERY, KANNUR DIST.

BY ADV. SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.20629/2006 E

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF ORDER DTD. 5/08/2000 ISSUED BY NURSES & MIDWIFES COUNCIL, KERALA.**

EXT.P2: **COPY OF ORDER DTD. 5/03/2004 LEVYING HALF YEARLY TAX.**

EXT.P3: **COPY OF REVISION PETITION DTD. 7/2-4-2004.**

EXT.P4: **COPY OF PETITIONERS LETTER DTD. 25/02/2005 TO MUNICIPALITY.**

EXT.P5: **COPY OF MUNICIPALITY'S LETTER TO THE PETITIONER DTD. 18/02/2005.**

EXT.P6: **COPY OF MUNICIPALITY'S LETTER TO THE GOVERNMENT DTD. 4/05/2005.**

EXT.P7: **COPY OF REVISION ORDER DTD. 2/11/2005 ISSUED BY MUNICIPALITY.**

EXT.P8: **COPY OF CERTIFICATE DTD. 20/01/2006 OF THE INDIAN NURSING COUNCIL, NEW DELHI.**

1ST RESPONDENT'S EXHIBITS:

EXT.R1(A): **COPY OF THE UNDERTAKING SUBMITTED BY SISTER PHILO JOSE BEFORE THE SECRETARY DTD. 16/01/2002.**

EXT.R1(B): **COPY OF THE OCCUPANCY CERTIFICATE ISSUED BY THE RESPONDENT DTD. 6/11/2002.**

/TRUE COPY/

P.S.TO JUDGE

KSS

PIUS C. KURIAKOSE, J.

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W.P.(C)No.20629 OF 2006

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DATED THIS THE 5TH NOVEMBER, 2007

J U D G M E N T

Even though a detailed counter affidavit has been filed by the Municipality justifying Ext.P7 order and Mr.I.V.Pramod, learned counsel for the Municipality would submit forcefully before me that the petitioner is not entitled for any exemption under Section 235 of the Kerala Municipality Act, I find that Ext.P7 is not a reasoned order. Therefore, I quash Ext.P7 and direct the Municipality to take a fresh decision after hearing the petitioner. Fresh decision as directed above will be taken by the Municipality at the earliest and at any rate within ten weeks of receiving copy of this judgment. Fresh decision to be taken by the Municipality shall be a reasoned one and will refer to the grounds which have been raised by the writ petitioner. In order to enable the Municipality to appreciate the grounds in a better way, the petitioner is permitted to file a copy of this Writ Petition before the Munciipality.

The Writ Petition is allowed as above.

(PIUS C.KURIAKOSE, JUDGE)

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